

KERN AUGUSTINE
CONROY & SCHOPPMANN, P.C.
1120 Route 22 East
Bridgewater, New Jersey 08807
(908) 704-8585
Attorneys for Defendant
RC-8060

) UNITED STATES DISTRICT COURT
DR. FADI CHAABAN; DR. SABINO R. TORRE;) DISTRICT OF NEW JERSEY
DR. CONSTANTINOS A. COSTEAS and)
DR. ANTHONY J. CASELLA, as Trustees of) Civil Action
Diagnostic & Clinical Cardiology, P.A.)
Profit Sharing Plan,) Case No. 2:08-cv-1567 (GEB - MCA)
)
Plaintiffs,) RETURN DATE: To be Set by Court
)
v.)
) NOTICE OF MOTION FOR SUMMARY
DR. MARIO A. CRISCITO,) JUDGMENT, PURSUANT
) TO FED. R. CIV. P. 56
Defendant.)
)

TO: STEPHEN M. CHARME, ESQ.
Witman Stadtmauer, P.A.
26 Columbia Turnpike
Florham Park, NJ 07932-2246
Attorneys for Plaintiffs

JOHN M. AGNELLO, ESQ.
Carella, Byrne, Cecchi, Olstein, Brody &
Agnello, P.C.
5 Becker Farm Road
Roseland, NJ 07068-1744
Attorneys for Plaintiffs

PLEASE TAKE NOTICE THAT, on a date and at a time set by the Court, the undersigned, counsel for the defendant, Mario A. Criscito, M.D., shall move before the Honorable Garrett E. Brown, Jr., U.S.D.J., United States District Court for the District of New Jersey, at the Dr. Martin Luther King, Jr., Federal Building and United States Courthouse, 50 Walnut Street, Newark, New Jersey 07102, for an Order granting summary judgment, pursuant to Fed. R. Civ. P. 56.

PLEASE TAKE FURTHER NOTICE THAT, in support of the within motion, the moving

party shall rely upon the accompanying brief, declaration of counsel, with exhibits, and statement of undisputed material facts pursuant to L. Civ. R. 56.1(a). A proposed form of Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE THAT the undersigned requests oral argument on the within motion in the event opposition is timely filed and served.

KERN AUGUSTINE
CONROY & SCHOPPMANN, P.C.
Attorneys for Defendant

By: /s/ Robert J. Conroy
Robert J. Conroy

Dated: Bridgewater, New Jersey
September 17, 2010

DECLARATION OF FILING AND SERVICE

I hereby certify that the within Notice of Motion, Brief, Declaration, with Exhibits, Statement Pursuant to L. Civ. R. 56.1(a) and proposed form of Order were filed electronically this date via the Court's CM/ECF system, with copies simultaneously provided to counsel for the plaintiffs via the same method.

I declare under penalty of perjury that the foregoing statements made by me are true and correct.

/s/ Robert J. Conroy
Robert J. Conroy

Dated: Bridgewater, New Jersey
September 17, 2010